

BRIAN CONLEY, : 05 Civ. 10024 (RJS) (JCF)
: Plaintiff, : ORDER
: : USDS SDNY
: - against - : DOCUMENT
: CITY OF NEW YORK, et al., : ELECTRONICALLY FILED
: Defendants. : DOC #: _____
: : DATE FILED: 3/20/08
: :
: JAMES C. FRANCIS IV
: UNITED STATES MAGISTRATE JUDGE

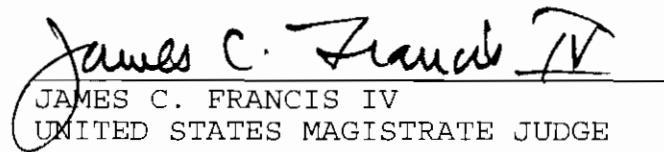
Defendants having applied by letter dated January 22, 2008 for an order dismissing plaintiff's false arrest and emotional distress claims, it is hereby ORDERED as follows:

1. Defendants' application to dismiss plaintiff's claims is denied. Despite the fact that plaintiff testified about the prior arrest at issue, defendants' counsel never specifically requested a release and never met and conferred with plaintiff's counsel.

2. Plaintiff shall execute the requested release within ten days of the date of this Order. If there is a disagreement as to whether or how plaintiff's deposition should be continued, counsel may present it to me when the issue is ripe.

3. Defendants' request for an order limiting plaintiff's introduction of clothing as evidence at trial is denied. This issue was improperly raised for the first time in defendants' reply letter. In any event, the application is properly addressed to Judge Sullivan at the time of trial.

SO ORDERED.



JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
March 20, 2008

Copies mailed this date:

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